BILL NO. Z-73-08-45

ZONING MAP ORDINANCE NO. Z-73 Withdrawn

AN ORDINANCE changing certain area
from B-4 to RA District.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an RA District under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946 as amended by General Ordinance No. 2836 and amendments thereof; and the symbols of the City of Fort Wayne Zoning Map No. F 11 referred to therein, are hereby changed accordingly, to-wit:

Part of the West Half of the Southwest Quarter of Section 29, Township 31 North, Range 13 East, in Allen County, Indiana, more particularly described as follows, to-wit:

Commencing on the West line of said Section, at a point situated 443.63 feet South 0 degrees 30 minutes East of the West Quarter corner of said Section; thence North 89 degrees 31 minutes East along the South line of the Plat of PARKWOOD PLACE ADDITION, as recorded in Plat Book 24, page 19, in the Office of the Recorder of said County, a distance of 1309.58 feet to the East line of the West Half of the Southwest Quarter of said Section; thence South 0 degrees, 38 minutes East along the aforesaid line, a distance of 879.8 feet; thence South 89 degrees 10 minutes West, a distance of 184.6 feet to the North right-of-way line of State Road No. 324, and U.S. Highway No. 30; thence Northwesterly along said right-of-way line and parallel to the said highway centerline, and 75 feet normally distant therefrom by a deflection right of 24 degrees 45 minutes, a distance of 755.0 feet; thence Northward by a deflection right of 65 degrees 23 minutes, a distance of 519.77 feet to a point 50 feet South of the South line of the aforementioned PARKWOOD PLACE ADDITION Plat; thence Westward on a line parallel to the line aforementioned, a distance of 438.12 feet to the West line of the Southwest Quarter Section 29, Township 31 North, Range 13 East, at a point 50 feet South of the Southwest corner of the said PARKWOOD PLACE ADDITION Plat on the centerline of the public highway known as the Hobson Road; thence North on the line aforesaid, a distance of 50 feet to the place of beginning; containing a net area of 15.735 acres, more or less.

Recorded in Deed Book 687, page 531, in the Office of the Recorder of Allen County, Indiana.
Also:

Commencing on the West line of said Section, at a point situated 493.63 feet South 0 degrees 30 minutes East of the West Quarter corner of said Section; thence North 89 degrees 31 minutes East on a line parallel to the

South line of the Plat of PARKWOOD PLACE ADDITION as in Plat Book 24, page 19, in the Office of the Recorder of said County, recorded, a distance of 438.12 feet; thence Southward by a deflection right of 90 degrees 11 minutes, on a line parallel to the West line of said Quarter Section, a distance of 519.77 feet to the Northeast right--of-way line of State Road No. 324, U.S. Highway No. 30; thence Northwestward by a deflection right of 114 degrees 37 minutes along the said right-of-way line, a distance of 417.6 feet; thence Northwest by a deflection right of 43 degrees 22 minutes, a distance of 116 feet; thence West by a deflection left of 68 degrees 10 minutes, a distance of 15 feet to the West line of said Quarter Section as defining the centerline of the public road known as the Hobson Road; thence Northward by a deflection right of 90 degrees 11 minutes, a distance of 238.32 feet to the place of beginning; containing 4.085 acres more or less. Recorded in Deed Book 690, pages 480 & 481 in the Office of the Recorder of Allen County, Indiana.

Also:

Beginning at a point 1330.89 feet South of the Northwest corner of the Southwest quarter of said Section 29 and on the West line of Section 29; thence North 89 degrees 15 minutes East a distance of 1126.7 feet to an iron pin; thence North 89 degrees 15 minutes East a distance of 184.3 feet to an iron pin located on the East line of the West half of the Southwest quarter of said Section 29; thence South 0 degrees 44 minutes East and along said East line a distance of 90.2 feet to an iron pin on the North right-of-way line of U.S. 30; thence Northwesterly along the North right-of-way line of U.S. 30 along a curve with a radius of 3014.94 feet a distance of 165.71 feet to a point; thence North 66 degrees West along said right-of-way a distance of 39.65 feet to the place of beginning, containing .191 acres of land more or less.

As recorded by Instrument # 14580, in the Office of the Recorder of Allen County, Indiana.

SECTION 2. This Ordinance shall repeal all Ordinances dealing with the hereinabove described real estate heretofore passed by the Common Council of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Approved as to form and legality
this 27 day of August, 1973.

John H. Logan
John H. Logan, Attorney for
Common Council.

Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on_____(and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice,

Motion was made by Councilman Kraus and seconded by Hinga for Withdrawal and roll call was called on Bills Nos. Z-73-08-45 and Z-73-11-33.

AYES 6, NAYS 3, ABSTAINED_____, ABSENT_____to-wit:

BURNS	✓			
HINGA		✓		
KRAUS		✓		
MOSES	✓			
NUCKOLS	✓			
SCHMIDT, D.		✓		
SCHMIDT, V.	✓			
STIER	✓			
TALARICO	✓			

DATE: 2-12-74

CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No._____ on the _____day of _____, 197___.

ATTEST: (SEAL)

CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of_____, 197_____, at the hour of_____o'clock _____M.,E.S.T.

CITY CLERK

Approved and signed by me this _____day of _____, 197___, at the hour of_____ o'clock _____M.,E.S.T.

MAYOR

Read the first time in full and on motion by Nuckols, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) ~~and Public Hearing to be held after due legal~~ notice, ~~at the Council Chambers, City-County Building, Fort Wayne, Indiana, on~~ _____, ~~the~~ _____ ~~day of~~ _____, 197_____, at _____ ~~o'clock P.M., E.S.T.~~

Date: 8-28-73

Charles B. Westerman
CITY CLERK

Read the third time in full and on motion by _____, seconded by _____, and duly adopted, placed on its passage. Passed (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	to-wit:
BURNS	_____	_____	_____	_____	
HINGA	_____	_____	_____	_____	
KRAUS	_____	_____	_____	_____	
MOSES	_____	_____	_____	_____	
NUCKOLS	_____	_____	_____	_____	
SCHMIDT, D.	_____	_____	_____	_____	
SCHMIDT, V.	_____	_____	_____	_____	
STIER	_____	_____	_____	_____	
TALARICO	_____	_____	_____	_____	

DATE: _____

_____
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No._____ on the _____day of _____, 197___.

ATTEST: (SEAL)

_____
CITY CLERK

_____
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 197_____, at the hour of_____o'clock _____M., E.S.T.

_____
CITY CLERK

Approved and signed by me this _____day of _____, 197___, at the hour of_____ o'clock _____M., E.S.T.

_____
MAYOR

RESOLUTION FOR PETITION FOR ZONING ORDINANCE AMENDMENT

WHEREAS, The Fort Wayne City Plan Commission believes that the attached zoning ordinance amendment for the area generally described as follows:

> *A parcel of ground, containing approximately twenty (20) acres, more or less, generally located on the northeast corner of Hobson Road and Coliseum Blvd. (U. S. Highway # 30).*

is in the best interest of the City of Fort Wayne;

BE IT RESOLVED that the City Plan Commission transmit same to City Council; and,

BE IT FURTHER RESOLVED that upon notification that this amendment has been duly introduced into City Council, that the City Plan Commission hold a public hearing to consider its formal approval.

Certified and signed this 20th day of August, 1973.

Gretchen Wiegel

Gretchen Wiegel
Secretary

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 28, 1973, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-73-08-45; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 19, 1973; and,

WHEREAS, since the Plan Commission is the petitioner of record, this resolution serves as the official written request to withdraw said ordinance:

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be WITHDRAWN;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held January 28, 1974.

Certified and signed this
6th day of February, 1974

George H. Roser

George Roser
Secretary

Bill No. Z-73-08-45

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance changing certain area from B-4 to RA District.

have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance do ~~pass~~.

John Nuckols - Chairman

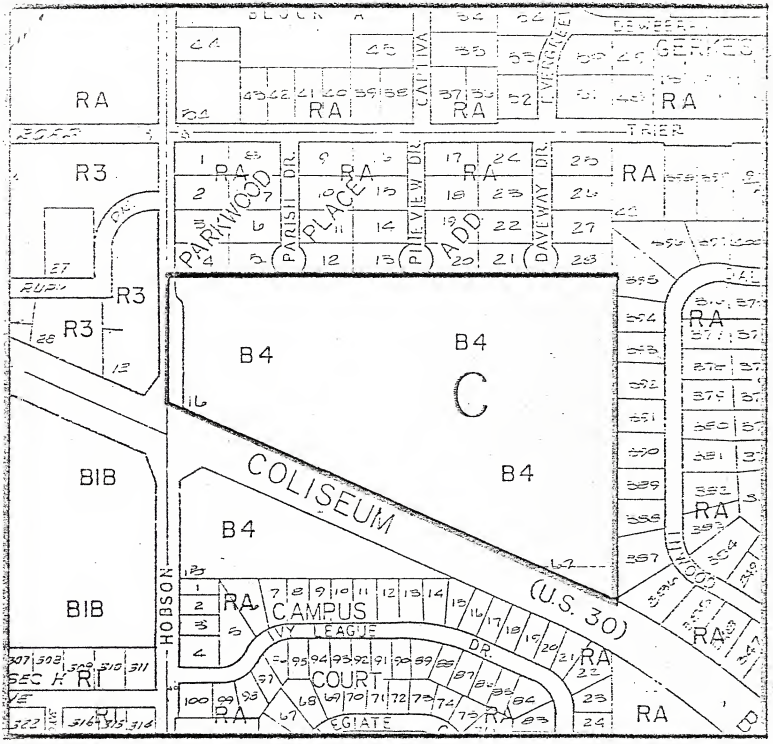
Vivian G. Schmidt - Vice-Chairman

William T. Hinga

Paul M. Burns

Donald J. Schmidt

2-12-74 CONCURRED IN



C CHANGE FROM B4 TO RA

N

CASE NO. F11

DATE: 2-13-73

PETITION FOR ZONING ORDINANCE AMENDMENT Receipt No. _____

TO: COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA

Date Filed August 22, 1973

Intended Use _____

I/We Fort Wayne City Plan Commission
(Applicant's Name or Names)
do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from a/an "B4" District to a/an "RA" District the property described as follows:

SEE ATTACHED LEGAL DESCRIPTION

(Legal Description)

A parcel of ground containing approximately twenty (20) acres, more or less, generally located on the northeast corner of Hobson Road and Coliseum Blvd., (U.S. Highway #30)

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

(Name)	(Address)	(Signature)
Alan R. Grinsfelder	City-County Bldg.	Alan R. Grinsfelder
Joe R. Gerson	City-County Bldg.	Joe R. Gerson
Gretchen Wiegel	City-County Bldg.	Gretchen Wiegel

Legal Description Checked By: _____
(City Engineer)

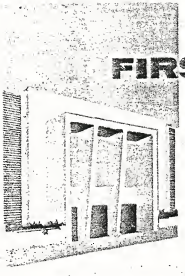
NOTE FOLLOWING RULES:

All requests for continuances or requests that ordinances be taken under advisement shall be filed in writing in the Office of the City Plan Commission by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for that meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of ordinances must be made in writing prior to the Plan Commission's vote on the ordinance.

Name and address of preparer, attorney or agent:

(Name)	(Address)	(Telephone Number)
City Plan Commission Staff	City-County Bldg.	423-7571

City Plan Commission, City-County Building, Room 800, One Main Street, Fort Wayne, Indiana 46802 Telephone Number 423-7571



FIRST ASSEMBLY of GOD

4001 SOUTH ANTHONY
TELEPHONE 744-0727

FORT WAYNE, INDIANA 46806

D. F. LEADER, PASTOR

DAVID LEHMANN, ASSOCIATE

To Whom It May Concern:

This is to certify that the following resolution was passed by the Church Board of First Assembly of God of Fort Wayne, Indiana, Inc. on December 19, 1973 at a duly called meeting with a quorum of members present.

RESOLVED, that this Board approve various agreements made between Pastor D. Fred Leader and the City of Fort Wayne Plan Commission relative to property owned by the Church and located at Coliseum Boulevard and Hobson Road which are as follows:

1. The existing tree buffer 50' wide will remain and be maintained in good condition (including tree replacement if and when necessary) along the North and East sides of this property, except for 250 feet on the North boundary going East from Hobson Road which shall be a living screen buffer ten feet in width.

2. No access will be permitted to the property from the North and East. If this property is used for a church facility, the owners may renegotiate this access limitation with the Plan Commission in order to gain access to a parsonage from the North.

3. Thirty per cent (30%) of the property may be used for building. The area reserved for the 50' tree buffer and the area leased to Standard Oil may not be used in computing the 30% coverage. Any increase in building coverage must be approved by the Plan Commission.

4. Ten per cent (10%) of the site shall be dedicated to landscaping. This area devoted to landscaping shall not include the 50' tree buffer nor any landscaping on the land leased to Standard Oil. In computing this 10% area, the entire area of the property including the area leased to Standard Oil shall be used.

5. No structure may be closer than 75' to the right-of-way line on Coliseum Boulevard.

6. Representatives of the Plan Commission and First Assembly of God shall work together to put these statements in legally binding form and have them attached as covenants to the deed of the property at Hobson and Coliseum.

7. The Plan Commission shall issue an agreement or policy statement to the effect that they will not entertain another rezoning attempt on said property at Hobson and Coliseum.

SIGNED D. Fred Leader
D. Fred Leader, Pastor

SIGNED Donald W. Clark
Donald W. Clark, Secretary

Number assigned by Dave Keller's Office: #3221

REQUEST FOR ACTION

To: City Attorney David B. Keller
or
Associate City Attorney *Mr. Ralph Blume / 344 Utility Bldg.*

From: (Name, Title & Department) *City Plan Commission / Rm # 800*

City-County Building / One Main Street / Fort Wayne, Indiana 46802

Approved by _____
(Person authorized to forward legal work)

Date: *August 27, 1973*

Subject: *Zoning Map Amendment Ordinance*
(File subject designation)

* * * * * * * * * * *

File # Assigned by Records Librarian

_____

Date: _____

* * * * * * * * * * *

Action Requested: *Preparation of zoning map amendment Ordinance for introduction into Council.*

(Continue on reverse side, if necessary)

cc: City Attorney David B. Keller
(If request originally sent to an Associate City Attorney)
Mayor Ivan A. Lebamoff
Department Head of Requesting Party

Number assigned by Dave Keller's Office: #3221

Admn. Appr. _____

DIGEST SHEET

Z-73-08-45

TITLE OF ORDINANCE *Zoning Map Amendment*

DEPARTMENT REQUESTING ORDINANCE *City Plan Commission*

SYNOPSIS OF ORDINANCE *Preparation of a Zoning Map Amendment Ordinance*

Petition initiated by City Plan Commission to rezone property located as follows: A parcel of ground containing approximately twenty (20) acres, more or less, generally located on the northeast corner of Hobson Road and Coliseum Blvd., (U.S. Highway #30)

From "B4" to "RA"

EFFECT OF PASSAGE *Property would be changed from commercial to residential.*

EFFECT OF NON-PASSAGE *Property would remain commercially zoned.*

MONEY INVOLVED (Direct Costs, Expenditures, Savings) *None*

ASSIGNED TO COMMITTEE (J.N.) _____